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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,344	01/28/2004	June A. Abel		3280

7590  
June Ann Abel  
383 Prospect Road  
Berea, OH 44017

05/02/2007

EXAMINER
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IZAGUIRRE, ISMAEL

ART UNIT	PAPER NUMBER
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3765

MAIL DATE	DELIVERY MODE
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05/02/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/766,344

Applicant(s)

ABEL, JUNE A.

Examiner

Ismael Izaguirre

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application:
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

The examiner is appreciative of the changes made to the specification, drawings and to the language of the claims. These have been duly noted and considered.

### **CLAIMS**

#### **Summary**

Claim 1 is the independent claim under consideration in this Office action.

Claims 2-5 are the dependent claims under consideration in this Office action.

Concerning the language of the claims, the following is submitted for applicant's consideration:

#### **Claim Objections**

Claims 2-4 are objected to because of the following informalities:

In claim 2, line 2, there seems to be text missing here. Replacing this line with "used are round magnets, magnetic strips, donut magnets, square magnets, triangle magnets," is suggested.

In claim 3, this is an improper multiple dependent claim. A claim can depend from other claims in the alternative only.

In line 2, there seems to be text missing here as well. Replacing the language of the claim by "The needlework accessory of claim 1 or claim 2, wherein providing at least one metallic (containing iron) member including washers, discs, slugs, or strips as one of the opposing magnets produces the same results of securing the fabric ends together of the needlework accessory." Is suggested.

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In claim 4, in line 1, the words "is used" are unclear. Deleting the word "is" is suggested. Appropriate correction is required.

### **Claim Rejections - 35 U.S.C. § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,4 and 5 are rejected under 35 U.S.C. § 102(b) as being anticipated by Brown (3,924,212).

Brown teaches an accessory for draping over a curved part and protecting a covered part of the object being worked on. The drape of Brown is structurally capable of being draped about the non-working ends of a fabric, which has been mounted on a scroll bar. Brown teaches a vinyl cloth backed fabric (column 2, lines 8-9) with magnets 14 and 15 shaped like strips incorporated into the ends of the accessory (column 2, line 10). Providing the drape a particular size is dependent on the part being covered and worked on.

### **Claim Rejections - 35 U.S.C. § 103**

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made

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to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2,4 and 5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Duer (5,820,142) in view of Bringmann (3,866,649).

Duer discloses the invention substantially as claimed. Duer teaches an accessory for draping over a curved part and protecting a covered part of the object being worked on. The drape of Duer is structurally capable of being draped about the non-working ends of a fabric, which has been mounted on a scroll bar. Duer teaches a draping material 107 (figure 37, for example) with magnets 119 incorporated along the ends of the material. The magnets are rectangular and individually spaced. Duer teaches another embodiment where the magnets are in strip form 104, 111 (figure 33). However, Duer does not suggest the material for forming the drape as being formed of a cloth fabric material.

Bringmann teaches an accessory for draping over a curved part and protecting a covered part of the object being worked on. The drape of Bringmann is structurally capable of being draped about the non-working ends of a fabric, which has been mounted on a scroll bar. Bringmann teaches the cover as including a fastening means 2 at the ends for draping over the shopping cart and fastening the cover in place. Bringmann teaches the cover as formable of a cloth material.

Accordingly, it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to construct the draping apparatus of Duer as

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including a cloth material. Providing such a material would assure the curve conforming needed for draping over scroll bars of small diameter as well as those of large diameter.

Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Duer in view of Davison (3,529,328).

Duer discloses the invention substantially as claimed. Duer teaches an accessory for draping over a curved part and protecting a covered part of the object being worked on. The drape of Duer is structurally capable of being draped about the non-working ends of a fabric, which has been mounted on a scroll bar. Duer teaches a draping material 107 (figure 37, for example) with magnets 119 incorporated along the ends of the material. The magnets are rectangular and individually spaced. However, Duer does not suggest the placing a metallic slug or plug as an opposing member for producing the same results as using opposing magnets.

Davison teaches a device for draping over an object and includes the use of a magnet 7 and an opposing metallic plug 8. The magnetic clothespin of Davison is used for clamping the ends to each other or clamping an object between the magnet and plug by magnetic attraction for drying the article on a clothesline.

Accordingly, it would have been obvious to a person having ordinary skill in the art at the time of Applicant's invention to construct the draping apparatus of Duer as including an opposing magnet and plug. Providing such an arrangement would produce the same clamping or securing results as having opposing magnets and yet reduce the cost of the device by using fewer magnets.

### **PERTINENT CITATIONS**

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ahearn and Macomson illustrate drapes including magnets incorporated within the material. Peacock illustrates a drape including fastening means incorporated into the ends of the material. Nixon illustrates holders for covering and holding the ends of a quilt.

### **INQUIRIES**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Izaguirre whose telephone number is (571) 272-4987. The examiner can normally be reached on M-F (8:30-6:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on (571) 272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ismael Izaguirre  
Primary Examiner  
Art Unit 3765

II  
4/27/07